

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42773 of 2017

Arising Out of PS.Case No. -210 Year- 2014 Thana -KAKO District- JEHANABAD

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1. Kundan Kumar @ Kundan Kumar Kashyap,
2. Chandan Kumar @ Chandan Kumar Kashyap, Both are sons of Ram
Dhyan Sharma, Resident of Village- Mahamatpur, P.S.- Kako, District-
Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-10-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Kako P.S. Case No. 210
of 2014 instituted for the offence under Sections-436, 427, 302 & other
minor Sections of the Indian Penal Code and 27 of the Arms Act.

As per written report, there is allegation against petitioner
No. 2 of causing fire-arm injury to the father of the informant in his
chest who became injured. It is further alleged that thereafter, petitioner
No. 1 set the house on fire.

The case diary has been called for.

The doctor has found fire arm injury in the postmortem
report but has given opinion that cause of death is on account of cold
and has stated that external injuries are postmortem injury.

The court below after differing with the report of the doctor



and the final form submitted by the police has taken cognizance against the petitioners and other accused u/S 302 of the Indian Penal Code.

Considering the specific allegation against petitioner No. 2 of causing fire-arm injury in the chest of the deceased, which finds support from the statements of witnesses in the case diary, this court is not inclined to grant anticipatory bail to petitioner No. 2. Accordingly, prayer for anticipatory bail of petitioner No. 2 is rejected.

The petitioner No. 2 is directed to surrender in the court below and seek regular bail, which will be considered on its own merit without being prejudiced by this order.

So far as petitioner No. 1 is concerned, there is no specific allegation of overt act against him.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 1 named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kako P.S. Case No. 210 of 2014 to the satisfaction of learned Additional Chief Judicial Magistrate, Jehanabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner No. 1 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence



on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner No. 1 tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner No. 1 .

(Sanjay Priya, J)

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